

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

INTELLECTUAL VENTURES I LLC
and INTELLECTUAL VENTURES II LLC

CIVIL ACTION NO. 2:13-cv-00740-AJS

Plaintiffs,

U.S. District Judge Arthur J. Schwab

v.

Electronically Filed

PNC FINANCIAL SERVICES GROUP, INC.,
and PNC BANK N.A.,

Jury Trial Demanded

Defendants.

**PLAINTIFFS INTELLECTUAL VENTURES I LLC'S AND INTELLECTUAL
VENTURES II LLC'S ANSWER TO DEFENDANTS' COUNTERCLAIMS**

Plaintiffs Intellectual Ventures I LLC (“Intellectual Ventures I”) and Intellectual Ventures II LLC (“Intellectual Ventures II”) (collectively, “Intellectual Ventures”) hereby answer the counterclaims of Defendants and Counterclaimants PNC Financial Services Group, Inc. and PNC Bank, N.A. (collectively, “PNC”). Intellectual Ventures denies the allegations in PNC’s counterclaims unless expressly admitted in the following paragraphs.

NATURE OF THE ACTION

1. Intellectual Ventures I admits the allegations of paragraph 1.
2. Intellectual Ventures II admits the allegations of paragraph 2.
3. Intellectual Ventures admits the first sentence of paragraph 3. Intellectual Ventures further admits that PNC denies infringement and asserts that the Patents-in-Suit are invalid and/or unenforceable, but Intellectual Ventures denies that this is true as the Patents-in-Suit are valid and infringed by PNC. Otherwise, denied.
4. Intellectual Ventures admits the allegations of paragraph 4.

JURISDICTION AND VENUE

5. Intellectual Ventures admits that this Court has subject matter jurisdiction over PNC's counterclaims and further admits that this Court has personal jurisdiction over Intellectual Ventures with respect to PNC's counterclaims and for purposes of this action only. Otherwise, denied.

6. Intellectual Ventures admits that venue in this district is proper with respect to PNC's counterclaim. Otherwise, denied.

PARTIES

7. Intellectual Ventures admits the allegations of paragraph 7.
8. Intellectual Ventures admits the allegations of paragraph 8.
9. Intellectual Ventures I admits the allegations of paragraph 9.
10. Intellectual Ventures II admits the allegations of paragraph 10.

COUNTERCLAIM COUNT I

11. Intellectual Ventures repeats its responses to paragraphs 1-10 of PNC's counterclaims as if fully set forth herein.

12. Intellectual Ventures denies the allegations of paragraph 12.
13. Intellectual Ventures denies the allegations of paragraph 13.

COUNTERCLAIM COUNT II

14. Intellectual Ventures repeats its responses to paragraphs 1-13 of PNC's counterclaims as if fully set forth herein.

15. Intellectual Ventures denies the allegations of paragraph 15.
16. Intellectual Ventures denies the allegations of paragraph 16.

COUNTERCLAIM COUNT III

17. Intellectual Ventures repeats its responses to paragraphs 1-16 of PNC's counterclaims as if fully set forth herein.
18. Intellectual Ventures denies the allegations of paragraph 18.
19. Intellectual Ventures denies the allegations of paragraph 19.

COUNTERCLAIM COUNT IV

20. Intellectual Ventures repeats its responses to paragraphs 1-19 of PNC's counterclaims as if fully set forth herein.
21. Intellectual Ventures denies the allegations of paragraph 20.
22. Intellectual Ventures denies the allegations of paragraph 21.

COUNTERCLAIM COUNT V

23. Intellectual Ventures repeats its responses to paragraphs 1-22 of PNC's counterclaims as if fully set forth herein.
24. Intellectual Ventures denies the allegations of paragraph 24.
25. Intellectual Ventures denies the allegations of paragraph 25.

COUNTERCLAIM COUNT VI

26. Intellectual Ventures repeats its responses to paragraphs 1-25 of PNC's counterclaims as if fully set forth herein.
27. Intellectual Ventures denies the allegations of paragraph 27.
28. Intellectual Ventures denies the allegations of paragraph 28.

COUNTERCLAIM COUNT VII

29. Intellectual Ventures repeats its responses to paragraphs 1-28 of PNC's counterclaims as if fully set forth herein.

30. Intellectual Ventures denies the allegations of paragraph 30.

31. Intellectual Ventures denies the allegations of paragraph 31.

COUNTERCLAIM COUNT VIII

32. Intellectual Ventures repeats its responses to paragraphs 1-31 of PNC's counterclaims as if fully set forth herein.

33. Intellectual Ventures denies the allegations of paragraph 33.

34. Intellectual Ventures denies the allegations of paragraph 34.

COUNTERCLAIM COUNT IX

35. Intellectual Ventures repeats its responses to paragraphs 1-34 of PNC's counterclaims as if fully set forth herein.

36. Intellectual Ventures denies the allegations of paragraph 36.

37. Intellectual Ventures denies the allegations of paragraph 37.

COUNTERCLAIM COUNT X

38. Intellectual Ventures repeats its responses to paragraphs 1-37 of PNC's counterclaims as if fully set forth herein.

39. Intellectual Ventures denies the allegations of paragraph 39.

40. Intellectual Ventures denies the allegations of paragraph 40.

PRAYER FOR RELIEF

41. Intellectual Ventures denies that PNC is entitled to any of the relief it requested.

AFFIRMATIVE DEFENSES TO COUNTERCLAIMS

42. The Patents-in-Suit are valid, enforceable and infringed by PNC as detailed in Intellectual Ventures' Complaint.

43. PNC's counterclaims fail to state a claim upon which relief can be granted under Rule 8 and/or 12 of the Federal Rules of Civil Procedure.

DEMAND FOR JURY TRIAL

44. In accordance with Federal Rule of Civil Procedure 38(b), Intellectual Ventures demands a trial by jury on all issues so triable.

Dated: July 11, 2013

Respectfully submitted,

/s/Elizabeth Day, Esquire
Elizabeth Day, Esquire
eday@feinday.com
/s/Marc Belloli
Marc Belloli
mbelloli@feinday.com

FEINBERG DAY ALBERTI & THOMPSON
LLP
1600 El Camino Real, Suite 280 Menlo Park,
CA 94025
(650) 618-4360
(650) 618-4368 (fax)

/s/Daniel E. Krauth
Daniel E. Krauth, Esquire
Pa. I.D. 59674
krauth@zklaw.com

/s/ Joseph F. Butcher
Joseph F. Butcher
Pa. I.D. 86464
butcher@zklaw.com

/s/ Samantha A. Quinn
Samantha A. Quinn, Esquire
Pa. I.D. 310068
squinn@zklaw.com

ZIMMER KUNZ, PLLC
600 Grant Street, Suite 3300
Pittsburgh, PA 15219
(412) 281-8000
(412) 281-1765 (fax)

Attorneys for Plaintiffs,
Intellectual Ventures I LLC and
Intellectual Ventures II LLC